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PTO/SB/21 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/788,972
		Filing Date	2/27/2004
		First Named Inventor	UWE SCHLAGENHAUF
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	6+	Attorney Docket Number	696.027

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply to Notice <i>8 Incomplete Reply</i> <input type="checkbox"/> After Final <i>8 Incomplete Reply</i> <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Supplementary Preliminary Amendment -English translation of application -Statement of Accuracy of English translation -return postcard -Copy of Notice of Incomplete Reply
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jay G. Durst Boyle Fredrickson Newholm Stein & Gratz S.C. 250 East Wisconsin Avenue, Suite 1030 Milwaukee, WI 53202
Signature	
Date	July 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.P. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Type or printed	Thomas P. Vita, Jr.
Signature	
	Date
	July 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$18.00)

Complete if Known	
Application Number	10/788,972
Filing Date	2/27/2004
First Named Inventor	UWE SCHLAGENHAUF
Examiner Name	
Art Unit	
Attorney Docket No.	696.027

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None

 Deposit Account

Deposit Account Number 50-1170
Deposit Account Name Boyle Fredrickson Newholm Stein & Gratz S.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) \$0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	21	-20**=	1	X	18	=	18
Independent Claims		-3**=		X		=	
Multiple Dependent						=	

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	**Reissue independent claims over original patent	
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$18.00

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge – late filing fee or oath	
1052 50	2052 25	Surcharge – late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive – unavoidable	
1453 1,330	2453 665	Petition to revive – unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$0

Complete (if applicable)

SUBMITTED BY

Name (Print/Type)	Jay G. Durst	Registration No. (Attorney/Agent)	41,723	Telephone	414.225.9755
Signature				Date	July 20, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.11 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

Schlagenhauf et al.

Serial No.: 10/788,972

Filed: February 27, 2004

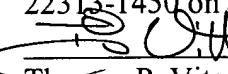
Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

ROTATIONALLY DRIVEN CUTTING
TOOL

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop - Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2004.

 Thomas P. Vita, Jr.

7/20/04
Date

Reply to Notice of Incomplete Reply to Notice to File Missing Parts (Nonprovisional)

Mail Stop – Non-Fee Amendments
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) mailed July 1, 2004, applicant submits the following:

Initially, in response to the Notice to File Missing Parts mailed by the USPTO on May 20, 2004 (supplemental to Applicant's June 2, 2004, Reply), Applicant has attached hereto a *substitute* English translation of the application that was filed in German with the USPTO on February 27, 2004. In particular, the attached translation is a substitute of the translation filed together with the Reply to the Notice to File Missing Parts that Applicant filed on June 2, 2004. The translations are the same other than the present translation correcting typos and removing reference numerals from the claims. An accompanying Statement of Accuracy of the translation is also attached.

Next, with respect to the additional fees (namely, the **\$290** surcharge for multiple dependent claims), Applicant has prepared and is filing together with this Reply, on even date herewith and in addition to the substitute translation, a “Supplemental Preliminary Amendment” amending the claims to remove all multiple dependencies therein. As a result, the surcharge for multiple dependent claims is no longer believed to be due. An indication to this effect is respectfully requested.

With respect to the extra claim fees (namely, **\$72** for four (4) claims in excess of 20), Applicant disagrees with the assessment of fees. The present application includes 21 claims, and less than three independent claims. As a result, Applicant respectfully contends that an extra claim fee of **\$18** (for one (1) additional claim in excess of 20) is due, NOT \$72. Authorization is given to charge the below-identified deposit account for this \$18 extra claim fee. Please contact the undersigned with any questions or concerns.

Finally, with respect to the lack of an Abstract submitted with the translation on June 2, 2004, Applicant again refers to the Preliminary Amendment filed together with this Reply in which an abstract of 150 words or less is provided. No new matter has been added.

As such, the deficiencies of Applicant’s June 2, 2004, Reply are believed to be overcome and an indication to that effect is respectfully requested. Should the Examiner have any questions or wish to discuss any of these matters further, the Examiner is asked to please contact the undersigned at the number appearing below.

Schlagenhauf et al.
Serial No.: 10/788,972
Page 3 of 3

No other fees are believed to be payable with the submission of this amendment.

However, the Director is authorized to charge any required fees associated with this or any other communication, or credit any overpayment, to Deposit Account No. 50-1170.

Respectfully submitted,
Jay G. Durst
Registration No. 41,723

Customer Number
23598

Dated: July 20, 2004
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
Docket No.: 696.027



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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/788,972	02/27/2004	Uwe Schlagenhauf	696.027

23598
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C.
250 E. WISCONSIN AVENUE
SUITE 1030
MILWAUKEE, WI 53202

CONFIRMATION NO. 6823
FORMALITIES LETTER



OC000000013135126

Date Mailed: 07/01/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/07/2004 to the Notice to File Missing Parts (Notice) mailed 05/20/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$362** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$362** for a Large Entity

- Total additional claim fee(s) for this application is **\$362**

- **\$72** for 4 total claims over 20.

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- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Flannery C. Conahan

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE